HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5648 of 2007

DATED: 23-03-2007

Between:

Mangu Laxmi Narasimham and others

…Petitioners

and

The Special Deputy Collector,
Land Acquisition,
Juvvadi Chokkarao Lift Irrigation Project,
(Devadula), Warangal and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5648 of 2007

ORAL ORDER:

The basis of the writ petition is a mere apprehension. The land in Survey Nos. 1170, 1282, 1283, 1284, 1286, 1296, 1298, 1303, 1306, 1307, 1318, 1319, 1322, 1324, 1327, 1328 and 1330 in all admeasuring Ac.78-33 gunta situated at Quillashapur and Jafferudam Village, Raghunathpally Mandal, Warangal was acquired for the purpose of Juvvadi Chokkarao Lift Irrigation Project (Devadula), Warangal. The petitioners claim a share in the compensation for the acquired lands. The petitioners lodged a claim before the 1st respondent for compensation. Petitioners admit that on their objection, the respondents had issued an enquiry notice on 3-1-2007 and they had appeared and filed their objections thereafter. Apprehending that even without disposing of their objections or dealing with their objections in an award, the respondents would disburse the compensation to the competing claimants and to their detriment and deprivation, the writ petition is filed.

There is no factual basis for this apprehension. If the respondents disburse the compensation even without passing an award, it would be an act of gross misconduct, which would be taken care of by the appointing or disciplinary authority of the respondents as such conduct would amount to misdirection of public funds without the authority of law. The 1st respondent-Land Acquisition authority has the discretion under the provisions of the Land Acquisition Act, 1894

has to either himself decide upon the competing claims or refer it to the Civil Court for adjudication. It is thus open to the 1st respondent to deal with the competing claims of the petitioners in the award to be passed, if not already passed. If an award is passed rejecting the petitioners' claim, the petitioners again have an opportunity to canvass the correctness of the Land Acquisition Officer's determination as regards the petitioners' entitlement to the compensation. In the light of such adequate safeguards, the petitioners' apprehension as at present, is a figment of their imagination. There are no merits.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

23-03-2007
GRR